UNITED STATES DEP MENT OF COMMERCE

Patent and Trademark Offic
Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SERIAL NUMBER REQUEST DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO. 09/775,359 6/8/01 RENGARAJAN SOUNDARARAJAN 15135.6 Title: COMPOSITION AND METHODS FOR SHIELDING RADIOACTIVITY UTILIZING POLYMER **IMMOBILIZED RADIOACTIVE WASTE** Art Unit Paper Number Correspondence Address: SAMUEL DIGIROLAMO PATENT & TRADEMARK OFFICE BLACKWELL SANDERS PEPER MARTIN LLP MAILED 720 OLIVE STREET, 24TH FLOOR ST. LOUIS, MO 63101 MAY 113 ZOUZ LICENSING & REVIEW

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number:

Grant Date:

528,827

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03-May-02

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved:

for Commissipher of Patents and Trademarks

This license employers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such aplication or applications.

This license is granted under 37 CFR 5.15(a)

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminstration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

In re:

Soundararajan

:DECISION ON REQUEST

Serial No.:

09/775359

:UNDER 37 CFR 5.25

Application Filing Date: February 1, 2001

Petition Filing Date:

June 8, 2001

Docket No.:

15135.8

Title: COMPOSITION AND METHODS FOR SHIELDING RADIOACTIVITY

This is a decision on the renewed petition received June 8, 2001 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filing(s) listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

It should be noted, however, for future reference, since the PCT was filed in the US Receiving Office, it is the obligation of the Office (not Petitioner) to obtain the foreign filing license before export.

Country

Application No.

Filing Date

PCT

US01/16469

May 22, 2001

vonne R. Abbott Patent Examiner (703) 308-2866

CERTIFICATE OF EXPRESS MAIL SERVICE NO. <u>EL388608675US</u>

Date of deposit: June 6, 2001

I hereby certify that this Patent Application is being deposited with the United States Post Office, Express Mail Service Post Office to Addressee, with sufficient postage, on the date indicated above and is addressed to: License and Review, Assistant Commissioner for Patents, Washington, DC 20231.

Joanne M. Hoefert

Application of:

Rengarajan Soundararajan

Serial No.: 09/775,359

Filed: February 2, 2001

For: COMPOSITION AND METHODS FOR

SHIELDING RADIOACTIVITY

UTILIZING POLYMER IMMOBILIZED

RADIOACTIVE WASTE

Group Art Unit: 17

Examiner:

Attorney Docket No

PETITION FOR RETROACTIVE LICENSE UNDER 37 C.F.R. § 5.25

Assistant Commissioner for Patents Washington, D.C. 20231

Attn: Licensing and Review

It is respectfully requested that this Petition for license for foreign filing be granted retroactively under the provisions of 37 C.F.R. § 5.25 for the following reasons.

The above-identified corresponding U.S. Patent Application Serial No. 09/775,359 entitled COMPOSITION AND METHOD FOR SHIELDING RADIOACTIVITY UTILIZING POLYMER IMMOBILIZED RADIOACTIVE WASTE was filed February 1, 2001 identifying Mr. Rengarajan Soundararajan as the sole inventor. This application has been assigned to Group Art Unit 1754 and claims the benefit of three separate provisional patent applications, namely, U.S. Provisional Application Serial No. 60/206,853 filed May 24, 2000; U.S. Provisional Application Serial No. 60/210,393 filed June 9, 2000. In order to preserve Applicant's foreign rights and claim priority through the two-above U.S. Provisional Patent Applications filed May 24, 2000, Applicant's undersigned attorney filed a corresponding PCT International Application in the

06/12/2001 MMCHILLA 00000012 09775359

United States Receiving Office on May 22, 2001. This PCT Application has not been assigned a serial number as yet but it is an identical copy of the corresponding U.S. Patent Application Serial No. 09/775,359 identified above. Applicant is attaching hereto as Exhibit A the transmittal letter to the U.S. Receiving Office relating to the above-referenced PCT Application as well as the PCT Request identifying and designating all available foreign countries; the PCT Fee Calculation Sheet; and the PCT Power of Attorney further identifying this application. Also, Applicant has selected the United States as the international searching authority. Although a foreign filing license for filing this PCT Application in the United States Receiving Office is not required pursuant to 37 C.F.R. § 5.11, Applicant is nevertheless requesting a retroactive license effective prior to the filing date of this PCT International Application, that is, prior to May 22, 2001, as this PCT application will eventually be transmitted to a foreign patent agency. This PCT application is the only foreign application filed to date.

VERIFIED STATEMENT

In accordance with 37 C.F.R. § 5.25(a)(3)(i-iii), the following verified statements are made by the undersigned attorney:

- 1. The corresponding U.S. Patent Application Serial No. 09/775,359 filed

 February 1, 2001 was pending three months and twenty-one days prior to the filing of the above-identified corresponding PCT International Application in the United States Receiving Office.
- 2. During this time period, and as of the date of filing of this Petition, the corresponding U.S. application is not currently under a secrecy order, nor is any of the subject matter disclosed in the corresponding U.S. application currently under a secrecy order.
 - 3. The subject matter of the corresponding U.S. application relates to a composition

and method for shielding radioactivity and, more particularly, to a modified urethane/phenolic resin polymer composition shielding material capable of encapsulating and stabilizing nuclear waste within a polymeric matrix, and methods for using the polymer composition. The corresponding U.S. application also discloses several embodiments of a radiation shielded container for storing radioactive material therewithin. This application does not disclose an invention within the scope of 35 U.S.C. § 181.

- 4. In a rush to preserve Applicant's foreign rights, based upon the two above-identified U.S. Provisional Patent Applications filed on May 24, 2000, Applicant's undersigned attorney, unintentionally and without deceptive intent, filed the above-identified PCT International Application without thinking to confirm that the foreign filing license had been granted. In fact, the above-identified PCT International Application was filed before Applicant's attorney received the formal filing receipt for the corresponding U.S. application. A photocopy of the U.S. application Filing Receipt is attached hereto as Exhibit B.
- 5. As soon as Applicant's attorney reviewed the Filing Receipt attached hereto as Exhibit B, it was noticed that no foreign filing license had been granted. Applicant's attorney then prepared and filed this Petition for Retroactive License.
- 6. This Petition is being filed fifteen (15) days after the filing of the above-identified PCT International Application. As a result, the foreign filing license in this case has been diligently sought after discovery of the proscribed foreign filing.
- 7. The above-identified PCT International Application was filed in the United States Receiving Office on May 22, 2001 through inadvertent and unintentional error on the part of Applicant's attorney because the formal Filing Receipt had not yet been received by Applicant's attorney; Applicant's attorney was preoccupied with the concern that any foreign patent

STLD01-871912-1

applications had to be filed prior to the March 24, 2001 convention date; and Applicant's attorney does not recall ever having been refused a foreign filing license upon issuance of the formal Filing Receipt.

- 8. The fee for filing this Petition for Retroactive License in the amount of \$130.00 is enclosed herewith. In the event that an additional fee is required, charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 to deposit account number 11-0160 under the name of Blackwell Sanders Peper Martin LLP.
- 9. Applicant's attorney hereby states that he has personal knowledge of the acts regarding filing of the above-identified PCT International Application and Exhibit A attached hereto represents all necessary supporting documents relating to the filing of above-identified PCT International Application.
- Applicant's attorney hereby declares that all statements made herein of his own 10. knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the granting of this foreign filing license as well as the validity of the application or any patent issued thereon.

Respectfully submitted.

Samuel Digirolamo

Reg. No. 29,915

Blackwell Sanders Peper Martin LLP

720 Olive Street, 24th Floor

St. Louis, MO 63101

(314) 345-6000

Attorney for Applicant

TRANSMITTAL LET TO THE UNITED STATES RECEIVING OFFICE

Date	
International Applicatio.	
Attorney Docket No.	15135.10

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	erehy certify that the	press Mail mailing numb	er	L			Date of Dep	osit
Ad	dressee" service unde	r 37 CFR 1.10 on the date	ce attached hereto is bei e indicated above and is	ng deposited addressed to	with the United Assistant Com	States Por missioner	stal Service " for Patents, V	Express Mail Post Office to Vashington, D.C. 20231.
1	Signature	of person mailing corresp	2		Joanne			
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c.	The following attached into PCT/RO/10	ng prior U.S. applicatemational application. I (Request) and this	ion(s) contain subjec	t matter wh			vention disc not be clair	closed in the med on form
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A.	A Reque	st for An Extension of	f Time to File a Resp	onse		, ()		
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The person signing this form is the:	29,9	Agent (Reg. No.)	Samuel Dig	irolam	Typed nam	ne of sign	PENGLO-Bryonne, N.J.	EXHIBIT A
		representative		7	Signs	ture		

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PCT	,	eceiving Office use only
	International Applica	tion No.
REQUEST	International Filing D)ate
The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.		ffice and "PCT International Application"
	Applicant's or agent' (if desired) (12 charac	s file reference cters maximum) 15135.10
	AND METHOD	0
	n is also inventor	
ume and address: (Family name followed by given name; for a legal entil e address must include postal code and name of country. The country of th x is the applicant's State (that is, country) of residence if no State of residenc	ity, full official designation. ne address indicated in this ne is indicated below.)	Telephone No. 417-257-2741
anford Nuclear Services, Inc.		Facsimile No. 417-257-2841
28 Court Square est Plains, Missouri 65775		Teleprinter No.
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s person is applicant all designated the purposes of: America all designated X all designated X the United States X the United States X	States except	the United States of America the United States of America only the States indicated in the Supplemental Box
No. III FURTHER APPLICANT(S) AND/OR (FURTH	ER) INVENTOR(S)	
ne and address: (Family name followed by given name; for a legal entity address must include postal code and name of country. The country of the is the applicant's State (that is, country) of residence if no State of residence undararajan, Rengarajan 05 Wayhaven Drive st Plains, Missouri 65775	v, full official designation. address indicated in this is indicated below.)	This person is: applicant only applicant and inventor inventor only (If this check-box is marked, do not fill in below.)

Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	417-257-2741
l	Facsimile No.
Hanford Nuclear Services, Inc.	417-257-2841
#28 Court Square	Teleprinter No.
West Plains, Missouri 65775	
05	Applicant's registration No. with the Office
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State (that is, country) of nationality: State (that is, country	v) of residence
United States of Amorica	tes of America
This person is applicant for the purposes of: all designated States except the United States of America	the United States the States indicated in
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LEGANT (S) AND/OR (FURTHER) INVENTOR(S)	
Name and address: (Family name followed by given name; for a legal entity, full official designation The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is country) of second particles of the second particles	This person is:
Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	This person is:
Soundararajan, Rengarajan	applicant only
1905 Wayhaven Drive	applicant and inventor
West Plains, Missouri 65775	
US	inventor only (If this check-box is marked, do not fill in below.)
	Applicant's registration No. with the Office
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Further applicants and/or (further) inventors are indicated on a continuation sheet.	
Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR	COPPESSONDENCE
The person identified below is hereby/has been appropriately	CORRESTORDERCE
X	agent common representative
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)	Telephone No.
Digirolamo, Samuel	314-345-6225
Blackwell Sanders Peper Martin LLP	Facsimile No.
720 Olive Street, Suite 2400	314-345-6060
St. Louis, Missouri 63101	Teleprinter No.
US	
<u> </u>	Agent's registration No. 111 1 2 2
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Address for correspondence: Mark this check-box where no agent or common reprispace above is used instead to indicate a special address to which correspondence shall be a special address to the spec	29.915
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Sheet	No '	2	

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Form PCT/RO/101 (second sheet) (March 2001)

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		Sheet No. 3		
Box No. VI PRIORITY	/ CLAIM			
The priority of the following	g earlier application(s) is here	reby claimed:		
Filing date of earlier application	Number of earlier application	V	Where earlier application	n is:
(day/month/year)	or earner application	national application: country	regional application:* regional Office	international application receiving Office
item(I) 01.02.01 01 February 20	09 / 775,359 01	United States		
24.05.00 24 May 2000	60/206,853	United States	5	
item (3) 24.05.00 24 May 2000	60/206,888	United States of America		
item (4) 09.06.00 09 June 2000 item (5)	60/210,393	United States of America	3	
The receiving Office is reque	are indicated in the Suppleme	to the International Bureau a	a certified copy of the e	earlier application(s) (only
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lox No. VIII DECLARATI	ONS			
he following declarations ar heck-boxes below and indicate	e contained in Boxes Nos. V	/III (i) to (v) (mark the appl ber of each type of declaratic	licable on):	Number of declarations
Box No. VIII (i)	Declaration as to the identity	of the inventor		:

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Ш	Box No. VIII (ii)	Declaration as to the applicant's entitlement, as at the international
		date, to apply for and be granted a patent

Box No. VIII (iii) Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application

Box No. VIII (iv) Declaration of inventorship (only for the purposes of the designation of the United States of America)

Box No. VIII (v) Declaration as to non-prejudicial disclosures or exceptions to lack of novelty

filing

Sheet	N. I	· A	•	
Sheet	NO.	.4		

Box No. IX CHECK LIST; LANGUAGE OF FILING				
This international application contains: (a) the following number of sheets in paper form:	This international application is accompanied by the followin item(s) (mark the applicable check-baxes below and indicate in right column the number of each item):	Number of items		
request (including declaration sheets) : 4	1. X fee calculation sheet	:		
description (excluding	original separate power of attorney 3. original general power of attorney	:		
sequence listing part) : 34	Z g mg-man or amorney	:		
claims : 19	4. copy of general power of attorney; reference number if any:			
abstract : 1 drawings : 7	5. statement explaining lack of signature			
	6. priority document(s) identified in Box No. VI as	•		
Sub-total number of sheets: 65 sequence listing part of	item(s):	:		
description (actual number of sheets if filed in paper form, whether or not also	7. translation of international application into (language):			
filed in computer readable form; see (b) below)	8. separate indications concerning deposited microorgan or other biological material	ism :		
Total number of sheets 65	9. sequence listing in computer readable form (indicate a and number of carriers (diskette, CD-ROM, CD-R or o	lso type · · · · · · · · · · · · · · · · · · ·		
(b) sequence listing part of description filed computer readable form	in (i) copy submitted for the purposes of internations under Rule 13ter only (and not as part of the			
(i) only (under Section 801(a)(i))	international application)	:		
(ii) in addition to being filed in paper form (under Section 801(a)(ii))	(ii) (iii) (only where check-box (b)(i) or (b)(ii) is marke column) additional copies including, where app the copy for the purposes of international search	olicable.		
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copies to be indicated under item 9(ii), in right column):	mentioned in left column	:		
	10. dther (specify):	:		
Figure of the drawings which should accompany the abstract: 1	Language of filing of the international application: English			
Box No. X SIGNATURE OF APPLIC	ANT, AGENT OR COMMON REPRESENTATIVE			
Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).				
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international application:		_ `		
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the purported international application: 4. Date of timely receipt of the required		not received:		
corrections under PCT Article 11(2):				
5. International Searching Authority (if two or more are competent): ISA /	6. Transmittal of search copy delayed until search fee is paid			
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PCT

FEE CALCULATION SHEET

International Application No.		

For receiving Office use only

Annex to the Request	International Application No.	
Applicant's or agent's file reference		
15135.10	Date stamp of the receiving Office	
Applicant		
Hanford Nuclear Services, Inc.		
CALCULATION OF PRESCRIBED FEES		
1. TRANSMITTAL FEE	\$240.00 T	
2. SEARCH FEE	\$450.00 S	
International search to be carried out by US		
(If two or more International Searching Authorities are competent to carry or search, indicate the name of the Authority which is chosen to carry out the in	ut the international ternational search.)	
3. INTERNATIONAL FEE		
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Add amounts entered at b1, b2 and b3 and enter total at B	\$697.00 B	
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number of designation fees amount of designation fee payable (maximum 6)		
Add amounts entered at B and D and enter total at I	\$1.189.00	
(Applicants from certain States are entitled to a reduction of 75% international fee. Where the applicant is (or all applicants are) so entitled, to be entered at I is 25% of the sum of the amounts entered at B and D.)	of the the total	
4. FEE FOR PRIORITY DOCUMENT (if applicable)	S60.00 P	
Table 1 2000 Military (y applicable)		
5. TOTAL FEES PAYABLE	\$1,939.00	
Add amounts entered at T, S, I and P, and enter total in the TOTAL bo		
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MODE OF PAYMENT		
authorization to charge	cash Coupons	
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AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUT This mode of payment may not be available at all receiving Offices)	UNT Receiving Office: RO/US	
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PCT

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The undersigned applicant(s) (Names show	uld be indicated as they appear in the reques).	
Hanford Nuclea #28 Court Squa West Plains, N	er Services, Inc.	
west Fiallis, P	dissouri 65//5	-
hereby appoints (appoint) the following pe	erson as: X agent	non representative
Name and address (Family name followed by given name; for a le	gal entity, full official designabn. The address must in	clude postal code and name of country.)
Samuel Digirolamo, Law Brandau, Mark E. Stall	wrence E. Evans, Robert J. lion, Kyle L. Elliott, and	Lewis, Rebecca J. Susan M. Myers
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to represent the undersigned before	X all the competent Internat	ional Authorities
	the International Searchin	g Authority only
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in connection with the international applica	ntion identified below:	
Waste	emposition And Methods For Filizing Polymer Immobilize	Shielding ed Radioactive
Applicant's or agent's file re	ference: 15135.10	
International application nu	mber (if already available):	
filed with the following Office US and to make or receive payments on behalf of	of the undersigned.	as receiving Office
Signature of the applicant(s)(where there are and the capacity	several applicants, each of them must sign; next to each sign in which the person signs, if such capacity is not obvious fro.	ature, indicate the name of the person signing m reading the request or this power):
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APPLICATION NUMBER FILING DATE **GRP ART UNIT** FIL FEE REC'D ATTY.DOCKET.NO DRAWINGS TOT CLAIMS IND CLAIMS 09/775,359 02/01/2001 1754 2572 15135.6 33

CONFIRMATION NO. 5978

FILING RECEIPT

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27128 BLACKWELL SANDERS PEPER MARTIN LLP 720 OLIVE STREET, SUITE 2400 ST. LOUIS, MO 63101

Date Mailed: 05/10/2001

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Applicant(s)

Rengarajan Soundararajan, West Plains, MO;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/206,853 05/24/2000 AND CLAIMS BENEFIT OF 60/206,888 05/24/2000 AND CLAIMS BENEFIT OF 60/210,393 06/09/2000

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

waste

** SMALL ENTITY **

Title

Composition and methods for shielding radioactivity utilizing polymer immobilized radioactive

EXHIBIT

Preliminary Class 588

Data entry by : TERFA, SEBLE

Team : OIPE

Date: 05/10/2001

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